

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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ELECTRONICALLY FILED
DOC #: 11/09/2021
DATE FILED: 11/09/2021

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THOMAS J. MASSONE,	:	
	:	
Plaintiff,	:	
	:	20-cv-7906 (LJL)
-v-	:	<u>ORDER</u>
DONALD W. WASHINGTON and CENTERRA	:	
GROUP, LLC,	:	
	:	
Defendants.	:	
	:	
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LEWIS J. LIMAN, United States District Judge:

Proposed intervenor Towaki Komatsu moves to intervene in this lawsuit in which Plaintiff initially alleged that the United States Marshals Service failed to provide a safe working environment to Court Security Officers (“CSOs”) to protect them from COVID-19. Dkt. No. 53. The Court dismissed Plaintiff’s amended complaint on August 30, 2021, with leave to replead, Dkt. No. 40, and Plaintiff filed a second amended complaint, Dkt. No. 45, as to which new motions to dismiss are currently pending, Dkt. Nos. 48, 51. Komatsu argues that he has been stalked by CSOs inside the United States courthouse, increasing the risk that he will catch COVID-19 and that such risk gives him a legal interest permitting him to intervene.

As relevant here, Federal Rule of Civil Procedure 24 provides for intervention as of right to anyone who “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposition of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest,” and permits permissive intervention to “anyone who . . . (B) has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(a), 24(b). Komatsu fails to properly invoke either mandatory or permissive intervention. His motion is denied.

SO ORDERED.

Dated: November 9, 2021
New York, New York


LEWIS J. LIMAN
United States District Judge